

109TH CONGRESS
1ST SESSION

S. 706

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Referred to the Committee on Transportation and Infrastructure

AN ACT

To convey all right, title, and interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesota.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prairie Island Land
5 Conveyance Act of 2005”.

1 **SEC. 2. PRAIRIE ISLAND LAND CONVEYANCE.**

2 (a) IN GENERAL.—The Secretary of the Army shall
 3 convey all right, title, and interest of the United States
 4 in and to the land described in subsection (b), including
 5 all improvements, cultural resources, and sites on the land,
 6 subject to the flowage and sloughing easement described
 7 in subsection (d) and to the conditions stated in subsection
 8 (f), to the Secretary of the Interior, to be—

9 (1) held in trust by the United States for the
 10 benefit of the Prairie Island Indian Community in
 11 Minnesota; and

12 (2) included in the Prairie Island Indian Com-
 13 munity Reservation in Goodhue County, Minnesota.

14 (b) LAND DESCRIPTION.—The land to be conveyed
 15 under subsection (a) is the approximately 1290 acres of
 16 land associated with the Lock and Dam #3 on the Mis-
 17 sissippi River in Goodhue County, Minnesota, located in
 18 tracts identified as GO-251, GO-252, GO-271, GO-277,
 19 GO-278, GO-284, GO-301 through GO-313, GO-314A,
 20 GO-314B, GO-329, GO-330A, GO-330B, GO-331A,
 21 GO-331B, GO-331C, GO-332, GO-333, GO-334, GO-
 22 335A, GO-335B, GO-336 through GO-338, GO-339A,
 23 GO-339B, GO-339C, GO-339D, GO-339E, GO-340A,
 24 GO-340B, GO-358, GO-359A, GO-359B, GO-359C,
 25 GO-359D, and GO-360, as depicted on the map entitled
 26 “United States Army Corps of Engineers survey map of

1 the Upper Mississippi River 9-Foot Project, Lock & Dam
2 No. 3 (Red Wing), Land & Flowage Rights” and dated
3 December 1936.

4 (c) BOUNDARY SURVEY.—Not later than 5 years
5 after the date of conveyance under subsection (a), the
6 boundaries of the land conveyed shall be surveyed as pro-
7 vided in section 2115 of the Revised Statutes (25 U.S.C.
8 176).

9 (d) EASEMENT.—

10 (1) IN GENERAL.—The Corps of Engineers
11 shall retain a flowage and sloughing easement for
12 the purpose of navigation and purposes relating to
13 the Lock and Dam No. 3 project over the portion of
14 the land described in subsection (b) that lies below
15 the elevation of 676.0.

16 (2) INCLUSIONS.—The easement retained under
17 paragraph (1) includes—

18 (A) the perpetual right to overflow, flood,
19 and submerge property as the District Engineer
20 determines to be necessary in connection with
21 the operation and maintenance of the Mis-
22 sissippi River Navigation Project; and

23 (B) the continuing right to clear and re-
24 move any brush, debris, or natural obstructions

1 that, in the opinion of the District Engineer,
2 may be detrimental to the project.

3 (e) OWNERSHIP OF STURGEON LAKE BED UNAF-
4 FECTED.—Nothing in this section diminishes or otherwise
5 affects the title of the State of Minnesota to the bed of
6 Sturgeon Lake located within the tracts of land described
7 in subsection (b).

8 (f) CONDITIONS.—The conveyance under subsection
9 (a) is subject to the conditions that the Prairie Island In-
10 dian Community shall not—

11 (1) use the conveyed land for human habitation;

12 (2) construct any structure on the land without
13 the written approval of the District Engineer; or

14 (3) conduct gaming (within the meaning of sec-
15 tion 4 of the Indian Gaming Regulatory Act (25
16 U.S.C. 2703)) on the land.

17 (g) NO EFFECT ON ELIGIBILITY FOR CERTAIN
18 PROJECTS.—Notwithstanding the conveyance under sub-
19 section (a), the land shall continue to be eligible for envi-
20 ronmental management planning and other recreational or
21 natural resource development projects on the same basis
22 as before the conveyance.

23 (h) EFFECT OF SECTION.—Nothing in this section
24 diminishes or otherwise affects the rights granted to the
25 United States pursuant to letters of July 23, 1937, and

1 November 20, 1937, from the Secretary of the Interior
2 to the Secretary of War and the letters of the Secretary
3 of War in response to the Secretary of the Interior dated
4 August 18, 1937, and November 27, 1937, under which
5 the Secretary of the Interior granted certain rights to the
6 Corps of Engineers to overflow the portions of Tracts A,
7 B, and C that lie within the Mississippi River 9-Foot
8 Channel Project boundary and as more particularly shown
9 and depicted on the map entitled “United States Army
10 Corps of Engineers survey map of the Upper Mississippi
11 River 9-Foot Project, Lock & Dam No. 3 (Red Wing),
12 Land & Flowage Rights” and dated December 1936.

Passed the Senate July 26, 2005.

Attest:

EMILY J. REYNOLDS,

Secretary.